

To: Bowman, Liz[Bowman.Liz@epa.gov]; Freire, JP[Freire.JP@epa.gov]
From: Eilperin, Juliet
Sent: Fri 5/12/2017 10:59:02 AM
Subject: RE: Embargoed Pebble Settlement Release

If there's any way you can hold off a few minutes that would be great. If not I understand it is my editors' fault. The overnight desk should have moved this.

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]
Sent: Friday, May 12, 2017 6:58 AM
To: Freire, JP <Freire.JP@epa.gov>; Eilperin, Juliet <Juliet.Eilperin@washpost.com>
Subject: RE: Embargoed Pebble Settlement Release

I am sending it out now

From: Freire, JP
Sent: Friday, May 12, 2017 6:57 AM
To: Eilperin, Juliet <Juliet.Eilperin@washpost.com>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Re: Embargoed Pebble Settlement Release

How long do you need? I'm not sure if it's gone out yet but you do have the running start with all the details.

J.P. Freire

Environmental Protection Agency

Associate Administrator for Public Affairs

Mobile: (202) 309-6781

On May 12, 2017, at 6:29 AM, Eilperin, Juliet <Juliet.Eilperin@washpost.com> wrote:

Hey there, for some reason there was a mistake and no one edited the story, so I think it will post a few minutes late. I just reminded the copy desk to edit it, and I will let you know as soon as it published. So if you can just delay sending out a press release for a little bit I'd be very grateful. Thanks.

From: Bowman, Liz [<mailto:Bowman.Liz@epa.gov>]
Sent: Thursday, May 11, 2017 9:58 PM
To: Eilperin, Juliet <Juliet.Eilperin@washpost.com>
Cc: Freire, JP <Freire.JP@epa.gov>
Subject: Re: Embargoed Pebble Settlement Release

Yes, there will be comments; As required under the regulations.

Sent from my iPhone

On May 11, 2017, at 9:34 PM, Eilperin, Juliet <Juliet.Eilperin@washpost.com> wrote:

Thanks so much, Liz. Is this going out widely, or will the Post have it before other outlets?

And there will be a public notice and comment period on the withdrawal of the 404(c) determination, correct?

Best, Juliet

From: Bowman, Liz [<mailto:Bowman.Liz@epa.gov>]
Sent: Thursday, May 11, 2017 9:00 PM
To: Eilperin, Juliet <Juliet.Eilperin@washpost.com>
Cc: Freire, JP <Freire.JP@epa.gov>
Subject: Embargoed Pebble Settlement Release

****embargoed until 6:30 a.m. Eastern****

EPA AND PEBBLE LIMITED PARTNERSHIP REACH SETTLEMENT AGREEMENT

EPA Agrees to Allow Permit Process to Proceed; Pebble Agrees to Drop Lawsuits

WASHINGTON --The U.S. Environmental Protection Agency entered into a settlement agreement with the Pebble Limited Partnership to resolve litigation from 2014 relating to EPA's prior work in the Bristol Bay watershed in Alaska. The settlement provides the Pebble Limited Partnership (Pebble) an opportunity to apply for a Clean Water Act (CWA) permit from the U.S. Army Corps of Engineers before EPA may move forward with its CWA process to specify limits on the disposal of certain material in connection with the potential "Pebble Mine."

"We are committed to due process and the rule of law, and regulations that are 'regular'," said EPA Administrator Scott Pruitt. "We understand how much the community cares about this issue, with passionate advocates on all sides. Today's agreement will not guarantee or prejudice a particular outcome, but will provide the Pebble a fair process for their permit application and help steer EPA away from costly and time-consuming litigation. We are committed to listening to all voices as this process unfolds."

Key Terms of the Settlement:

- Pebble and the U.S. Department of Justice (on behalf of the EPA) will ask the U.S. District Court for the District of Alaska to dismiss the cases with prejudice and to lift the court-ordered preliminary injunction.
- EPA agrees to commence a process to propose to withdraw the currently pending proposed determination, consistent with its regulations.
- EPA agrees that it will not move to the next step in its CWA process, which would be to issue a recommended determination (determination steps are: proposed, recommended, final), until 48 months from settlement or until the U.S. Army Corps of Engineers issues its final environmental impact statement, whichever comes first. To take advantage of this period of forbearance, Pebble would have to file its permit application within 30 months.
- Pebble will drop its lawsuits and requests for fees against EPA, and agree to file no new Freedom of Information Act (FOIA) requests during the pendency of the "forbearance" period.
- EPA may use its scientific assessment regarding the Bristol Bay Watershed without limitation.

Background:

In 2014, under the previous administration, EPA's Region 10 completed a multi-year watershed assessment in Bristol Bay, and then initiated a CWA Section 404(c) proposed determination, which described restrictions on large-scale mining in the

watershed. Section 404 is the part of the CWA that governs the permit evaluation process for actions that discharge dredged or fill material into a covered water.

The May 11, 2017 settlement does not guarantee or prejudge any particular outcome to this process, but does ensure that the process will be carried out in a fair, transparent, deliberate, and regular way.

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